

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NAVISION SHIPPING COMPANY A/S,

Plaintiff,

- against -

YONG HE SHIPPING (HK) LTD., PROSPER
SHIPPING LIMITED, JIANGSU FING AGENCY LTD.,
JIANGSU FAREAST INTERNATIONAL SHIPPING
AGENCY LTD., THE OLD EASTERN
MEDITERRANEAN CO SA, CHINA MARINE
SHIPPING AGENCY TIANJIN COMPANY LTD.,
LIANYUNGANG FAREAST INTERNATIONAL
SHIPPING AGENCY CO. LTD., and SHANGHAI
FAREAST INTERNATIONAL SHIPPING AGENCY
CO. LTD. a/k/a FEISA,

Defendants.
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07 Civ. 9517 (DC)

ECF CASE

AFFIDAVIT OF NANCY R. PETERSON

State of Connecticut)
) ss: SOUTHPORT
County of Fairfield)

Nancy R. Peterson, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and an attorney with the firm of Lennon, Murphy & Lennon, LLC, counsel for the Plaintiff herein, NAVISION SHIPPING COMPANY A/S, (hereinafter referred to as "Navision" or "Plaintiff").

2. I submit this Affidavit in support of Navision's Opposition to the Motion to Vacate Maritime Attachment and/or Dismiss Claims filed by Defendant, SHANGHAI FAREAST INTERNATIONAL SHIPPING AGENCY CO. LTD.'s ("Shanghai Fareast" or "Defendant").

3. In addition, I submit this Affidavit in support of Plaintiff's request that the Court decline to entertain Defendant's summary judgment "request" at this time as it would be premature pursuant to Fed. R. Civ. P. 56(f).

4. I submit this Affidavit based on facts and information known to me personally, as well as documents and information provided to me by Plaintiff Navision, Navision's insurer, and Navision's foreign counsel, all of which I believe to be true and accurate.

5. Defendant filed its request for summary judgment within the context of its motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on January 30, 2008.

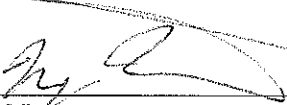
6. Since that date no discovery had been afforded, and there has been no time or opportunity to develop the myriad of factual issues raised by Defendant in its motion papers,

7. Thus, Plaintiff submits that it would inappropriate for the Court to rule upon Defendant's summary judgment motion at this time.

8. I respectfully attest, also, that it would be improper for this Court to rule upon Defendant's motion for summary judgment because the substantive dispute between the parties will ultimately be determined in a foreign proceeding in England and/or China.

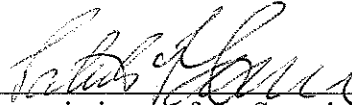
9. However, if the Court deems it appropriate to consider Defendant's request for summary judgment. Plaintiff requests that the adjudication of the motion be postponed and the parties be allowed a reasonable time to conduct discovery pursuant to Rule 56(f). *Celotex Corp v. Catrett*, 477 U.S. 317, 322 (1986).

Dated: March 3, 2008
Southport, CT



Nancy R. Peterson

Sworn and subscribed to before me
this 3rd day of March 2008.



Commissioner of the Superior Court

AFFIRMATION OF SERVICE

I hereby certify that on March 3, 2008, a copy of the foregoing Affidavit was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's CM/ECF system.

By: _____/s/_____
Nancy R. Peterson (NP 2871)